IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 34962 of 2003(K)

PETITIONER:

N.S.JAYAKUMAR, MANAGER, SVDUP SCHOOL,
PURAKKAD, ALAPPUZHA.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

---

1. STATE OF KERALA REP. BY ITS SECRETARY,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. ANITHA RANI, W/O.UMESH SHENAI,
ARAKKAPADATH HOUSE, KUMBALANGI,
ERNAKULAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA
GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, ALONG WITH WPC NO. 39420 OF 2003, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the judgment in OP 24854/02 dated 23.10.2002.

Ext.P2: True copy of the notice dated 24.7.2003 issued to the 2nd respondent.

Ext.P3: True copy of the request submitted to the DEO Alappuzha dated 21.8.2003.

Ext.P4: True copy of the order No.C/3745/2002 dated 6.2.2003 issued by AEO Ambalappuzha.

Ext.P5: True copy of the order of DEO, Alappuzha No.B5-1673/o3/K.Dis.dated 26.6.2003.

Ext.P6: True copy of the reply submitted by the petitioner to the DPI, Thiruvananthapuram

Ext.P7: True copy of the order No.51755/H2/2003/H.Edn. dated 1.10.2003.

// True copy //

P.A. To Judge

jes

A.K.BASHEER, J.

W.P.(C)No.34962 & 39420 OF 2003

Dated this the 19th day of July, 2007

JUDGMENT

W.P.(C)No.34962 is at the instance of the manager of an aided Upper Primary School. He impugns Ext.P7 order passed by the Government directing him to reconsider the order of suspension passed against Smt.Anitha Rani, an Upper Primary School Assistant working in the school, since according to the Government, the offence alleged to have been committed by her did not warrant an order of suspension beyond six months.

2. It is brought to my notice that the order of suspension was issued way back in the year 2003. It is also on record that the teacher had since been reinstated in service and she had left the institution thereafter and joined Government service. Anyhow, the fact remains that the Government had found that the action of the manager was not justified in the facts and circumstances of the case.

3. Therefore, keeping in view the changed scenario, I do not find any reason to keep the writ petition pending on the file of this court any further. Therefore, W.P.(C)No.34962 is closed.

W.P.(C)No.39420 OF 2003

4. Smt. Anitha Rani, the teacher referred to above is the petitioner in W.P.(C)No.39420 OF 2003. The primary prayer in this writ petition is to reinstate her in service and also to issue a direction to respondent no.3 to take action against the manager. As noticed already, petitioner had been reinstated long time back and she had left the institution. She had joined Government service in June 2004.

5. What remains is only the prayer with regard to the grant of leave from June 24, 1999 to August 4, 1999 as requested by her in Ext.P24 leave application. If the said application is pending before the Government, an appropriate decision thereon shall be taken after affording sufficient opportunity to the petitioner and the manager of the school to be heard as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

W.P.(C)No.39420 OF 2003 is disposed of as above.

A.K.BASHEER, JUDGE

jes